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30 April 1981

Worldwide Report

LAW OF THE SEA

(FOUO 2/81)



FOREIGN BROADCAST INFORMATION SERVICE

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JAPAN

ADMIRAL MAEDA DEFINES PROTECTION OF TERRITORIAL WATERS

OW191053 Tokyo ASAHI EVENING NEWS in English 18 Mar 81 p 1

[Text] The Defense Agency assumes that the Self-Defense Forces will have to take on the responsibility for the protection of sea lanes in waters around Japan extending to the 20th parallel. This was made clear Tuesday by Adm Masaru Maeda, chief of staff of the Maritime Self-Defense Force.

In replies to questions in the Diet, officials of the agency earlier said the waters the SDF will have to defend extend several hundred nautical miles from Japan and about 1,000 nautical miles in terms of sea lanes.

Explaining this stand at a press conference, Adm Maeda said the starting points for these calculations are ports in the Tokyo-Yokohama and Osaka-Kobe industrial complexes.

The defense perimeter the Defense Agency has in mind generally accords with the areas for whose defense the United States has been suggesting that Japan should be responsible--the waters stretching to the seas near the Philippines and north of Guam.

The definition of "the waters around Japan" which the United States wants Japan to defend on its own has been vague.

Referring to U.S. Ambassador Mike Mansfield's call on March 9 for a greater Japanese defense role, Adm Maeda said he interprets it as a request for Japan to do more within the framework of the established policy under which the SDF limit themselves to defense and count on U.S. forces for offensive action.

With regard to Mansfield's call for Japan to take up the slack caused by the shifting of elements of the Seventh Fleet to the Indian Ocean, Adm Maeda said the envoy presumably did not mean to say Washington wants Japan to take over the mobile strike power of the American fleet.

According to the Defense Agency, MSDF fleets are to defend the Japanese coasts and sea lanes in an emergency under the air defense umbrella of the Air Self-Defense Force, and the Seventh Fleet is to be depended on for mobile strike power and air superiority over the offshore waters, which is beyond the ASDF's capabilities.

The Soviet Union must be made to reaffirm that the resumption of dialogue in such fields as the economy and culture does not necessarily mean that Japan has given up the territorial issue. The focus of Russo-Japanese talks can be narrowed down to this one point. We very much hope that Japan and the Soviet Union can coexist peacefully, and, for this, we are trying to be realistic. We hope that the Soviet Union's next move will also be realistic.

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CUBA

HAVANA CRITICIZES U.S. LAW OF SEA STAND

PA140144 Havana PRELA in English 1946 GMT 13 Mar 81

[Report by Francisco Forteza]

[Text] Havana, 14 Mar (PL)--The United States decision to review all that has been achieved by the United Nations conference on the law of the sea meant that its tenth session opened in the midst of uncertainty.

Reactions in specialized quarters to the announcement continued to attract attention this week, while internationally known experts described the U.S. move as "disconcerting."

Other specialists based their accusations on Washington's efforts to openly favor the transnational corporations.

For instance Venezuelan former Foreign Minister Simon Alberto Consalvi declared in Caracas that President Ronald Reagan's decision freezes the negotiations and undermines a series of consensus decisions achieved through a complex process begun in 1958.

International press media explained the attitude of the Reagan administration as a response to pressures by transnational mining corporations that fear the partial blocking of their operations in seabed mining.

UN Secretary General Kurt Waldheim echoed the generalized malaise of the international community in pointing out that the U.S. decision could alter the delicate balance between the rights and obligations of the states as a result of unilateral decisions.

Another issue that pointed up Washington's scorn for contracted agreements, both multilateral and bilateral, was the suspension of a wheat purchase credit to Nicaragua.

The U.S. Embassy in Managua attempted to "prove" that Washington never pledged to grant the credit with soft financing for 1981. Nicaragua's Domestic Trade Ministry released two letters proving the existence of a pledge on the part of the United States to grant the credit. The letters were sent to Pedro Antonio Blandon, Nicaraguan under secretary for internal trade, by Lawrence Harrison, director of the Agency for International Development, a U.S. government body, and aid official Frank Heilemann.

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Along with the publication of the letters, the Nicaraguan ministry stressed that the "U.S. Embassy claim that Washington at no time pledged to supply wheat with soft financing in 1981 is false."

Managua dailies for their part stated that in reality, the Reagan administration move is an out and out economic aggression against Nicaragua.

Speaking in La Paz, Carlos Alzamora, permanent secretary of the Latin American Economic System (SELA), reflected the region's concern in the face of Washington maneuvers. He spoke out in favor of the principles of non-intervention and self-determination in this part of the world.

He ratified statements made in Managua in February when he urged the Latin American countries to forge unity vis a vis the United States in the field of economic negotiations.

In Quito on Tuesday, experts from 27 Latin American countries began a conference designed to map out joint strategy for Latin American and Caribbean development in the next 10 years.

According to reports from the Ecuadorean capital, the participants are also discussing the economic and social situation in the region in order to submit to the Economic Commission for Latin America action programs in the socio-economic and especially energy fields.

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UNITED KINGDOM

'FINANCIAL TIMES' ADVISES U.S. TO MOVE ON LAW OF SEA

LD171321 London FINANCIAL TIMES in English 17 Mar 81 p 18

[Editorial: "The Need for a Law of the Sea"]

[Text] The Law of the Sea Treaty being negotiated in the United Nations is too important to be sacrificed to the interests of any one country or industry. It is regrettable that the Reagan administration should have abruptly demanded a delay before it will agree to a text which has already been under discussion for eight years. But the administration's concerns about deep seabed mining are valid and it is understandable that it should seek reassurance. There is, after all, no point in having a treaty setting out how the mining companies may exploit the wealth on the seabed if the provisions of the treaty mean that the companies are unwilling to be involved.

Heritage

The potato-like nodules on parts of the world's seabed contain an estimated 240M tonnes of cobalt, 290M tonnes of nickel and 6BN tonnes of manganese. It is one thing if economics makes mining them of questionable value; at present dredging the seabeds would only become worthwhile when mineral prices reach a level also making it practical to exploit widespread on-shore mineral deposits. It is quite another if the treaty itself discouraged investment.

The present draft convention is a lawyer's delight and an industrialist's nightmare. The seabed is classed as the "common heritage of mankind." To obtain a license to mine it any state or state-sponsored company must apply for two sites. It will be allowed to mine at one site and the other will be banked for use either by developing countries or by the enterprise, the industrial arm of a projected international seabed authority. Companies will have to contribute finance and technology to the enterprise while the authority will have the right to limit production so as to protect land-based producers.

Pressures

For the companies all these provisions are fraught with problems. Though the principle of "double-banking" was proposed by Dr Henry Kissinger, its consequences are complex and unsatisfactory. This is a point made strongly to the U.S. Congress in recent years, not least by Mr Leigh S. Ratiner, now the second man in the U.S.

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delegation to the law of the sea conference and previously active on behalf of Kennecott, head of one seabed mining consortium.

In seeking a delay the administration has responded to pressure from the mining industry. But the arguments are not new. On the contrary in recent years the industrialised countries have fought with some success to soften the draft treaty. The result is that not all the U.S. mining companies feel as strongly as those ones which have caught the headlines. Indeed in other countries members of seabed consortia argue that if negotiations on the basis of the existing draft are firmly handled many of their fears could be overcome. It is to this end that the U.S. should now work.

One reason for this is the importance which the rest of the world attaches to the treaty. The years of negotiations have produced a text with something for everybody. For the Third World in particular the principle of common heritage has become crucial as one of its few tangible gains from the "north-south dialogue."

A second and perhaps more telling argument is that the treaty is also essential for ensuring freedom of navigation to ocean-going countries like Britain, the U.S. and the Soviet Union. In exchange for access to the seabed the Third World has agreed to keep the straits of the world open to international shipping, and the airspace above them open to aircraft.

Strategic

Developments like the proposed U.S. rapid deployment force only underline the strategic interests of the West in this. The oil companies, too, need a framework of international legislation to ensure that they can transport oil and that the law of the sea does not become the law of the jungle.

In an ideal world the U.S. might like to scrap the provisions of the treaty relating to mining and maintain those dealing with navigation. The U.S. and other industrialised countries might then seek to go ahead with the unilateral "temporary" mining legislation that a number of them are introducing.

But too much bitterness would be created by such a move for the Third World simply to acquiesce. Instead there is the real danger that coastal states would again begin a drive to enlarge their claims over straits, continental shelves and what are now considered to be high seas. It is not in the interests of the U.S. or its allies to allow this.

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